

REMARKS

Applicants appreciate the detailed examination evidenced by the Office Action mailed February 5, 2008 (hereinafter "Office Action"). Applicants have amended the specification as set out above and, therefore, request withdrawal of the section 101 rejections. Applicants have also amended independent Claim 1 to include the recitations of dependent Claim 3 and dependent Claim 3 has been cancelled from the present application. Dependent Claim 4 has also been amended to conform the dependency to the cancellation of Claim 3. Applicants have also amended independent Claim 50 to include recitations similar to those of dependent Claim 3. Claims 27 and 40 have been amended as set out above to correct typographical errors therein. Applicants would like to point out that dependent Claim 13 is not officially rejected anywhere in the Office Action. Accordingly, Applicants respectfully submit that the pending claims are in condition for allowance for at least the reasons discussed herein.

The Section 101 Rejections

Claims 8, 15, 22, 29 and 39 stand rejected under 35 U.S.C. § 101 because the claimed invention is not directed to statutory subject matter. *See* Office Action, page 2. Applicants have amended the specification as set out above to remove reference to transmission media. Accordingly, Applicants respectfully request that the section 101 rejections be withdrawn for at least these reasons.

The Section 102 Rejections

A. Independent Claims 1, 23, 30, 50, 53 and 54 are patentable over Schaffer

Claims 1, 2, 5-8, 23-24, 26-29, 30, 40-43, 46-47, 50 and 53-54 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 7,085,747 to Schaffer (hereinafter "Schaffer"). *See* Office Action, page 3. As a preliminary note, Applicants have amended independent Claim 1 to include the recitations of dependent Claim 3. Applicants have also amended independent Claim 50 to include recitations similar to those of dependent Claim 3. Accordingly, the patentability of amended independent Claims 1 and 50 will be discussed below with respect to the rejection of Claim 3. Applicants respectfully submit that many of the recitations of the remaining claims are neither disclosed nor suggested by Schaffer. For example, Claim 23 recites:

A method of **determining a user of a video display device**, comprising:
collecting information on activity schedules of the residents of the residence;
and
identifying at least one of the residents of the residence as the user of the video display device based on the collected information.

Independent Claim 53 contains corresponding system recitations. Applicants respectfully submit that at least the highlighted recitations of Claim 23 are neither disclosed nor suggested by Schaffer for at least the reasons discussed herein.

The Office Action points to column 7, lines 10-14 of Schaffer as providing all of the teachings of independent Claim 23. *See* Office Action, page 5. The cited portion of Schaffer states:

...The personal schedule module either receives personal scheduling data (of correlations between user scheduling preferences and events) directly input by **the user** or detects and records correlations between user actions, such as turning on and off the TV set, and media programming events. An appropriate weighting factor is generated for the events in the correlation. When a correlation is recognized, the appropriate weighting factor is applied to the Fuzzy-Now recommendation function of the events in the recognized correlation.

See Schaffer, column 7, lines 10-14 (emphasis added). The cited portion of Schaffer set out above only discusses a single user. In stark contrast, independent Claim 23 recites “identifying at least one of the residents of the residence as the user of the video display device based on the collected information.” Nothing in the cited portion of Schaffer discloses or suggests identifying the user of the video display among the residents because Schaffer only discusses a single user. Accordingly, since anticipation requires that there be no difference between the cited reference and the recitations of the claims, Applicants respectfully submit that independent Claim 23 and the claims that depend therefrom are patentable over Schaffer for at least the reasons discussed herein.

Independent Claim 53 contains corresponding system recitations to the recitations of independent Claim 23. Accordingly, independent Claim 53 is patentable over Schaffer for at least the reasons discussed above with respect to independent Claim 23.

Independent Claim 30 recites:

A method of controlling components in a home management system, comprising:
maintaining a central repository of residence information for use by more than one component of the home management system; and
determining an action to control a component of the home management system based on an analysis of residence information maintained in the central repository.

Independent Claim 54 contains corresponding system recitations. Applicants respectfully submit that at least the highlighted recitations of independent Claim 30 are neither disclosed nor suggested by Schaffer.

The Office Action points to column 7, lines 10-14, set out above, and column 9, lines 9-11 and 24-30 as teachings all the recitations of independent Claim 30. *See* Office Action, pages 7-8. The cited portion of Schaffer in column 7 is set out above. The cited portions of Schaffer in column 9 state:

...The Personal Schedule Module 910 contains the personal schedule data of the user, which is used by the Personal Schedule Modification System 920 to modify the Fuzzy-Now Recommendation Functions 870 in order to create Final Recommendation Functions 930...

...Personal Schedule Module may use some of the functionality of the 3-way system to monitor user 300, or to generate and update the personal schedule. User 300 is monitored by sensors directly connected to the media presentation system and/or placed separately from the media presentation system. The events, or incidents, in the personal schedule of the user are monitored by these sensors in order either to augment or to generate the personal schedule...

See Schaffer, column 9, lines 9-11 and 24-30. The cited portions of Schaffer discuss the use of a user's personal schedule to fine tune the "final recommendations" made to the user for viewing at a particular point in time. These "final recommendations" can be based partially on information contained in the personal schedule module 910. *See also*, Schaffer, Figure 9 and related text. In stark contrast, Claim 30 recites "maintaining a central repository of residence information for use by more than one component of the home management system and determining an action to control a component of the home management system based on an analysis of residence information maintained in the central repository." Nothing in the cited portion of Schaffer discloses or suggests more than one component (TV) as recited in

Claim 30 or a central repository as recited in Claim 30. Accordingly, since anticipation requires that there be no difference between the cited reference and the recitations of the claims, Applicants respectfully submit that independent Claim 30 and the claims that depend therefrom are patentable over Schaffer for at least the reasons discussed herein.

Independent Claim 54 contains corresponding system recitations to the recitations of independent Claim 23. Accordingly, independent Claim 54 is patentable over Schaffer for at least the reasons discussed above with respect to independent Claim 30.

Independent Claim 40 recites:

A home management system, comprising:
a central repository of residence information;
a family information manager configured to provide access to the central repository of residence information; and
a plurality of home management application programs configured to retrieve information from and/or store information in the central repository.

Applicants respectfully submit that nothing in Schaffer discloses or suggests at least the highlighted recitations of independent Claim 40 for at least the reasons discussed herein. As discussed above with respect to independent Claims 23 and 30, nothing in Schaffer discusses a central repository or more than one home management application programs as recited in Claim 40. Accordingly, independent Claim 40 and the claims that depend therefrom are patentable over Schaffer for at least these reasons.

Furthermore, the Office Action points to the personal schedule module 910 of Schaffer as providing the “family information manager” recited in Claim 40. *See* Office Action, page 8. However, as discussed in Schaffer, the personal schedule module 910 “contains the personal schedule module data of the user...” *See* Schaffer, column 9, lines 8-9. In stark contrast, Claim 40 recites “a family information manager configured to provide access to the central repository of residence information.” The personal schedule module 910 does not “provide access.” Accordingly, Applicants respectfully submit that Claim 40 is patentable over Schaffer for at least these additional reasons.

B. Many of the dependent Claims are Separately Patentable over Schaffer

As discussed above, the dependent claims are patentable at least per the patentability of the independent base claims from which they depend. However, many of the dependent claims are also separately patentable over Schaffer for at least the reasons discussed herein.

For example, dependent Claim 6 recites:

The method of Claim 5, wherein controlling the component comprises controlling access to video programming and/or network information based on the resident's activities schedule.

The Office Action points to column 11, lines 1-6 and Figure 8 of Schaffer as providing the teachings of dependent Claim 6. *See* Office Action, page 4. The cited portion of Schaffer states:

...By contrast, in FIG. 11B, as shown in the recent incident time chart, the system has monitored an incident 1135 at 7:43 p.m. indicating that the user has arrived home. Thus, at 7:43 p.m., the user has presumably been at home watching TV for about an hour in FIG. 11A, whereas the user has just come home and turned on the TV set in FIG. 11B.

See Schaffer, column 11, lines 1-6. Nothing in the cited portions of Schaffer discloses or suggests “controlling access” to programming or network information as recited in dependent Claim 6. According, Applicants respectfully submit that dependent Claim 6 is separately patentable over Schaffer for at least these additional reasons.

By way of further example, dependent Claim 26 recites:

The method of Claim 23, wherein identifying at least one resident comprises eliminating from a list of possible users residents that the activity schedule information indicates are not present at the residence.

The Office Action points to column 10, lines 65-66 of Schaffer as providing the teachings of Claim 26. *See* Office Action, page 6. The cited portion of Schaffer states “[t]here could be electronic sensors that indicate when the user's car garage is entered.” Sensors indicating a user's presence do not disclose or suggest “eliminating from a list of possible users residents that the activity schedule information indicates are not present at the residence” as recited in Claim 26. Furthermore, as discussed above, Schaffer discusses a single user and, therefore, by definition, does not discuss identifying a single user amongst the residents. Thus, it

follows that nothing in Schaffer discusses the details of identifying at least one resident recited in Claim 23. Accordingly, Applicants respectfully submit that dependent Claim 23 is separately patentable over Schaffer for at least these additional reasons.

Dependent Claims 41-43 and 47 recite various details of some embodiments of the present invention, for example, family information portal, the DMIT module, and the various details recited in Claim 47. None of these details are disclosed or suggested by the cited portions of Schaffer. Accordingly, Applicants respectfully submit that dependent Claims 41-43 and 47 are separately patentable over Schaffer for at least these reasons.

The Section 103 Rejections

A. Claims 3-4, 25, 31-39, 44 and 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaffer in view of United States Patent Publication No. 2003/0135853 to Goldman (hereinafter "Goldman"). *See* Office Action, page 10. As discussed above, independent Claim 1 has been amended to include the recitations of Claim 3. Accordingly, the rejections of Claim 3 will be addressed with respect to amended independent Claim 1. In particular, amended Claim 1 recites:

A method of controlling a component of a home management system at a residence, comprising
determining resident activities of a resident of the residence; and
controlling the component based on the determined resident activities of the resident, **wherein controlling the component comprises:**
selecting a video insertion to replace a commercial advertising portion of a video stream based on the determined activities of the resident;
detecting a commercial advertising portion of the video stream; and
replacing the detected commercial advertising portion of the video stream with the selected video insertion so as to provide a composite video stream containing primary content portions and the selected video insertion.

Independent Claim 50 has been amended to include corresponding system recitations to the highlighted recitations of amended independent Claim 1. Applicants respectfully submit that many of the recitations of amended Claim 1 and the claims that depend therefrom are patentable over the cited combination for at least the reasons discussed herein.

The Office Action admits that Schaffer fails to disclose the highlighted recitations of amended independent Claim 1. *See* Office Action, page 10. However, the office Action points to Goldman as providing the missing teachings. *See* Office Action, page 11. In

particular, the Office Action points to paragraph 52 of Goldman as providing the missing teachings (*See* Office Action, page 11). The cited portion of Goldman states:

[0052] Advertisement insertion module 176 of FIG. 3B may insert the selected advertisement **into the requested information document** according to one of at least two methods. First, the information document transmitted from remote server 116 to Internet service provider 160 may include a vacant field or another location to which the selected advertisement may be added. Second, advertisement insertion module 176 may overwrite an advertisement already included **in the requested information document**, thereby replacing the existing advertisement with the selected advertisement.

See Goldman, paragraph 52 (emphasis added). Thus, Goldman discusses selecting and inserting advertisements **in an information document** displayed to a user, for example, on a web page. The selection may be based on television programming viewed by the user. *See* Goldman, Abstract.

In stark contrast, amended Claim 1 recites selecting **a video insertion** to replace a commercial advertising portion of **a video stream** based on the determined activities of the resident, detecting a commercial advertising portion of **the video stream**, and replacing the detected commercial advertising portion of **the video stream with the selected video insertion so as to provide a composite video stream containing primary content portions and the selected video insertion**. Nothing in Goldman discusses a video stream as recited in amended Claim 1. Goldman discusses using a user's television preferences to replace an advertising portion of a document, not a video stream. Accordingly, Applicants respectfully submit that amended independent Claim 1 and the claims that depend therefrom are patentable over the cited combination for at least the reasons discussed herein.

Furthermore, Applicants respectfully submit that the combination of Schaffer and Goldman would not be obvious to one of skill in the art as suggested in the Office Action without using Applicants' disclosure as a road map. In particular, as discussed above, Schaffer discusses using the personal schedule of a single user to modify the recommendation functions of media events. *See* Schaffer, Abstract. Goldman discusses using a user's selection of items to watch on the television to tailor advertising that might be presented to a user on an Internet document. The Office Action states that it would be obvious to combine these references "in order to target advertisements that are more suited to the user." *See* Office Action, page 12. However, Applicants respectfully submit that nothing in the

recommendation patent of Schaffer or in the advertisement insertion document of Goldman would make the combination of these two references obvious. Thus, it is clear that Applicants' disclosure was used a road map to combine these documents, which is clearly improper. Accordingly, Applicants respectfully submit that amended Claim 1 and the claims that depend therefrom are patentable over the cited combination for at least these additional reasons.

Independent Claim 50 contains corresponding system recitations to the recitations of amended independent Claim 1. Accordingly, Applicants respectfully submit that independent Claim 50 is patentable over Schaffer for at least the reasons discussed above with respect to independent Claim 30.

As discussed above, the dependent claims are patentable over the cited combination at least per the patentability of the independent base claims from which they depend. However, many of the dependent claims are also separately patentable over the cited combination. For example, dependent Claim 32 recites:

The method of Claim 30, wherein determining an action to control a component of the home management system comprises selecting a video insertion to replace a commercial advertising portion of a video stream based on the information stored in the central repository, the method further comprising:
 detecting a commercial advertising portion of the video stream; and
 replacing the detected commercial advertising portion of the video stream with the selected video insertion so as to provide a composite video stream containing primary content portions and the selected video insertion.

The Office Action points to paragraph 52 discussed above with respect to Claim 1 as providing the teachings of Claim 32. Applicants respectfully submit that dependent Claim 32 is separately patentable over the cited combination for at least the reasons discussed above with respect to Claim 1.

Furthermore, Applicants respectfully submit that many of the recitations of dependent Claims 4, 25, 31, 33, 34, 35-39 and 44-45 are neither disclosed nor suggested by the combination of Schaffer and Goldman. However, Applicants respectfully submit that these claims are at least separately patentable based on the fact that it would not be obvious to combine these references for at least the reasons discussed above with respect to Claim 1.

B. Claims 9, 15 and 51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldman in view of United States Patent No. 6,029,045 to Picco (hereinafter “Picco”). *See* Office Action, page 20. Applicants respectfully submit that many of the recitations of these claims are neither disclosed nor suggested by the cited combination. For example, independent Claim 9 recites:

A method of displaying a video stream containing commercial advertising portions and primary content portions on a television at a residence, comprising:
detecting a commercial advertising portion of the video stream; and
replacing the detected commercial advertising portion of the video stream with a video stream from a source component located at the residence so as to provide a composite video stream containing primary content portions and at least one locally generated portion.

Independent Claim 51 contains corresponding system recitations. Applicants respectfully submit that at least the highlighted recitations of Claim 9 are neither disclosed nor suggested by the cited combination for at least the reasons discussed herein.

The Office Action points to paragraph 52 of Goldman as teaching all the recitations of Claim 9, except “replacing the detected commercial advertising portion of the video stream with a video stream from a source component located at the residence...” *See* Office Action, page 20. However, the Office Action points to column 8, lines 7-11 of Picco as providing the missing teachings. *See* Office Action, page 20. Applicants respectfully disagree. As discussed above, the cited portion of Goldman discusses selecting and inserting advertisements **in an information document** displayed to a user, for example, on a web page. The selection may be based on television programming viewed by the user. *See* Goldman, Abstract. In stark contrast, Claim 9 recites detecting a commercial advertising portion of **the video stream** and replacing the detected commercial advertising portion of **the video stream with a video stream** from a source component located at the residence so as to provide **a composite video** stream containing primary content portions and at least one locally generated portion. Nothing in Goldman discusses a video stream as recited in amended Claim 1. Goldman discusses using a user’s television preferences to replace an advertising portion of a document, not a video stream. Accordingly, Applicants respectfully independent Claim 9 and the claims that depend therefrom are patentable over the cited combination for at least the reasons discussed herein.

Furthermore, Picco does not provide the missing teachings. In particular, the Office Action points to Picco for the teachings a locally generated portion of the video stream. However, the “local content” referred to in Picco does not refer to locally generated content, such as from a security camera or baby monitor, as recited in Claim 9. The local content referred to in Picco refers to “geographically localized content (e.g., commercials, targeted for a particular area of the country)...” *See* Picco, column 2, lines 53-54. Thus, Applicants respectfully submit that nothing in Picco provides the missing teachings for at least the reasons discussed herein. Accordingly, Applicants respectfully submit that independent Claim 9 and the claims that depend therefrom are patentable over the cited combination for at least the reasons discussed herein.

Independent Claim 51 contains corresponding system recitations to the recitations of independent Claim 9. Accordingly, Applicants respectfully submit that independent Claim 51 is patentable over Schaffer for at least the reasons discussed above with respect to independent Claim 9.

C. Claims 10 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldman in view of Picco and in further view of United States Patent No. 6,097,441 to Allport (hereinafter “Allport”). *See* Office Action, page 21. The dependent claims are patentable at least per the patentability of the independent base claims from which they depend. Accordingly, Applicants respectfully request withdrawal of the rejections with respect to dependent Claims 10 and 11 for at least these reasons.

D. Claims 12 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldman in view of Picco and in further view of Schaffer. *See* Office Action, page 23. The dependent claims are patentable at least per the patentability of the independent base claims from which they depend. Accordingly, Applicants respectfully request withdrawal of the rejections with respect to dependent Claims 12 and 14 for at least these reasons.

E. Claims 16-22 and 52 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldman in view of Schaffer. *See* Office Action, page 24. Applicants respectfully submit that many of the recitations of these claims are neither disclosed nor suggested by the cited combination. For example, independent Claim 16 recites:

A method of generating demographic data for residents of a residence for use in **selecting video content** for presentation to the residents, comprising:
collecting information on activity schedules of the residents of the household;
analyzing the activities reflected in the collected information; and
selecting video content for presentation to the residents on a television based on the analysis of the collected information.

Independent Claim 52 contains corresponding system recitations. Applicants respectfully submit that at least the highlighted recitations of Claim 16 are neither disclosed nor suggested by the cited combination for at least the reasons discussed herein.

The Office Action points to Goldman as teaching all the recitations of Claim 16 except “collecting information on activity schedules of the residents of the household; and analyzing the activities reflected in the collected information.” *See* Office Action, page 25. However, the Office Action points to Schaffer as providing the missing teachings. *See* Office Action, page 25. As discussed above with respect to Claim 1, nothing in Goldman discusses replacement/selection of video content, Goldman discusses using a user’s selection of television programs to watch to tailor advertisements presented on documents requested over the Internet. Furthermore, as discussed above, it would not be obvious to combine Goldman and Schaffer without using Applicants’ disclosure as a road map. Accordingly, Applicants respectfully submit that independent Claim 16 and the claims that depend therefrom are patentable over the cited combination for at least the reasons discussed herein.

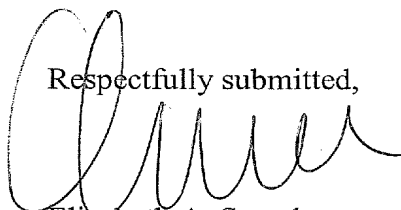
Independent Claim 52 contains corresponding system recitations to the recitations of independent Claim 16. Accordingly, Applicants respectfully submit that independent Claim 52 is patentable over Schaffer for at least the reasons discussed above with respect to independent Claim 16.

F. Claims 48 and 49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaffer in view of "Examiner's Official Notice." *See* Office Action, page 28. For the record, Applicants disagree with the Official Notice taken on page 28 of the Office Action. Applicants respectfully submit that dependent Claims 48 and 49 are patentable over the cited combination at least per the patentability of the independent base claims from which they depend.

CONCLUSION

As all of the claims are now in condition for allowance, Applicants respectfully request allowance of the claims and passing of the application to issue in due course. Applicants urge the Examiner to contact Applicants' undersigned representative at (919) 854-1400 to resolve any remaining formal issues.

Respectfully submitted,



Elizabeth A. Stanek
Registration No. 48,568
Attorney for Applicants

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on July 7, 2008.


Candi L. Riggs